THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): The statement is coming. Whoever is the Minister making it, there is no problem. Now, Mr. Ram Jethmalani please.

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SHORT DURATION DISCUSSION

Recent Verdict of the Swiss Supreme Court relating to Bofors—Contd.

SHRI RAM JETHMALANI (Karnataka): Mr. Vice-Chairman, Sir, pardon me for expressing a personal preference. I wish you were always in the Chair when I am speaking. It was, I think, on the 29th of July that I commenced my speech. You will recall, Sir, that I was referring to the speech made on the floor of Parliament by the then Prime Minister who invited the Opposition to participate in the task of discovery of the identity of the culprits in the Bofors deal. He said that this was a national effort and he expressly invited the Opposition to help him in discovering the real culprits.

Now that that day is drawing near, I do wish to ask—I wish to ask because I have reasonable apprehensions to the contrary—will the wishes of the late Prime Minister be fulfilled in this respect? Are you serious about it? If you are serious about it, will you, at least, give us a few assurances which I wish to ask for? Here, I want to share with you the few apprehensions which I genuinely and honestly entertain.

The first apprehension which arises in my mind has its origin in the famous television interview of the hon. Minister of State for Law. I am not talking of the portion of the interview which he has denied. I am talking of the version which the Doordarshan has published and which, at least, he himself has accepted as true. On page 6 of the script which we now have, the hon. Minister of State has said that the Bofors case was a false case, that it was a false prosecution instituted by the V. P. Singh Government. He further said that his Government could always withdraw that investigation, but they were not doing it out of regard for some public opinion in that respect.

Sir, I would like to ask, how can the Opposition have confidence in any investigation being carried on by the Government where one of the Ministers of the Government, a responsible one at that, has already decided that this is a false investigation instituted by the last Prime Minister, last but one Prime Minister, Mr. V. P. Singh? It is a most rediculous suggestion to make. It is a suggestion which must be dismissed with contempt because when we see the names that are on everybody's lips, which have been there on our lips for a very, very long time, surely, Mr. V. P. Singh had no motives to institute a false prosecution against those people. Sir, we would like to have an assurance now that the Minister will not interfere with that investigation because he says that the investigation is false and they are in a position to withdraw it. I want an assurance that the Government accepts the view that no Minister, however highly placed he may be, can ever interfere with the criminal investigation into a cognisable offence. One of the greatest Judges in England, Lord Denning, has said that no Minister of the Crown can tell a police constable how to conduct an investigation, to stop an investigation or to interfere with the investigative process.

Sir, I heard the impassioned speeches that day. I understand the loyalty of the Members of this House to the late Prime Minister. I understand the love and affection they bear for him but if you want to stop this investigation, do it by methods which are legal and constitutional. I am nobody to advise you, but if you want gratuitous advice on how to stop this investigation, take a political decision, take a political decision of the kind which was taken in America.

President Ford became the President of the United States after Nixon went out of office. It was an open deal that if Ford became the President, he would first proceed to pardon Nixon and other accused who were all involved in the Watergate investigation. It is a constitutional method of stopping an investigation, but investigations cannot be stopped . . .

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): Mr. Vice-Chairman, I would like to say a few things. He has mentioned my name and I am entitled to clarify my position.

SHRI RAM JETHMALANI: I have no difficulty. If you want to interrupt me, you are welcome.

SHRI H. R. BHARDWAJ: I will have to because he is totally misleading the House.

SHRI RAM JETHMALANI: If you want to interrupt now, get up.

SHRI H. R. BHARDWAJ : It is between him and me. . . . (*Interruptions*).

Sir, he has been using that casette in his house as if he is a press reporter. He is a very senior Counsel of the Supreme Court. We have had many encounters in courts. I never knew that he would stoop down so low. He uses that fake cassette in his house. I have no objection. He is entitled to use his methods of practising in the House and in courts. He can do anything, I have no objection. I am a small man. So far as my prestige is concerned, it is not hurt by these gimmicks. Now he is saying that I have said that it was a false case. I still maintain that Shri V. P. Singh used to say, "here are the accounts and names I am going to place before the nation if I win the elections" and the hon. Member belongs to that party. Let me clarify about what I said and what he should also say.The third thing is, this gentleman has been intimidating the CBI officers. Many times he makes statements as if he is the super boss of this country and he can say anything against any officer, against any Minister. His deeds are well known to the nation and I know much more than his own juniors . . .

SHRI P. UPENDRA (Andhra Pradesh) : What is this ? This is highly objectionable. He should not take it up at individual level. . . . (*Interruptions*).

SHRI H. R. BHARDWAJ : All that I have said is, I can still have my opinion that it is not we, it is these people who are helping the accused people.

THE LEADER OF OPPOSITION (SHRI SIKANDER BAKHT) : I want to know whether the hon. Minister was intervening and replying to the points raised by the hon. Member. . . . (*Interruptions*).

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY) : Let Mr. Jethmalani continue.

SHRI H. R. BHARDWAJ As if he has got a licence to say anything to anybody. . . . (*Interruptions*).

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY) : Mr. Ramachandran, you take your seat.

SHRI RAM JETHMALANI : Mr. Vice-Chairman, Sir, I never take advantage of Parliamentary immunity. If the hon. Minister wants me to repeat any statement outside this House, I can do that. If he promises to take legal action against me, I will repeat whatever statement he wants me to repeat, outside the floor of the House. . . . (*Interruptions*).

SHRI H. R. BHARDWAJ : We have our options. Please don't worry.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY) : Mr. Jethmalani, you have only four minutes' time.

SHRI RAM JETHMALANI : Sir, I am afraid . . . (*Interruptions*) . . .

THE VICE-CHAIRMAN (SHRI V NARAYANASAMY) : Please let him complete it. He is now continuing. He has started on 29th July.

SHRI VISHVJIT P. SINGH (Maharashtra) : Sir, can you allow the House to be used as a forum to throw threats at somebody else ? . . . (*Interruptions*) . . . He is using the House for calumny and intimidation. . . . (*Interruptions*) . . . .

SHRI RAM JETHMALANI : You must be ashamed of hearing a Law Minister who uses such words. . . . (*Interruptions*) . . . .

SHRI H. R. BHARDWAJ : You deserve much more.

SHRI RAM JETHMALANI : Only the other day he apologized. And he still repeats it.

SHRI H. R. BHARDWAJ : What ? Apologize ? Never ! . . . (*Interruptions*) . . . As a lawyer I may apologize or do anything but, as a bully I am a much bigger bully than you.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY) : Mr. Jethmalani, you have to continue your speech now. . . . (*Interruptions*) . . . .

DR. JITENDRA KUMAR JAIN (Madhya Pradesh) : Point of order.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY) : There is no point of order. Please take your seat.

SHRI RAM JETHMALANI : The second question I ask is—and I need an assurance on

[The Vice-Chairman (Syed Sibtey Razi) in the Chair]

this—one of the principal officers connected with this investigation—and he happens to be the Additional Director of the CBI—was asked

the other day by the Economic Times—and I have got a copy of the Economic Times with me—"Why did you allow Quattrochi to leave India ?" He made a statement to the Economic Times, "I cannot possibly interrogate any suspect unless I get full proof." I want to know whether the Government entertains this kind of an opinion of the duties of an investigating officer. Investigations proceed on suspicion of the commission of an offence. The process of investigation is intended to collect proof. If proof is already available, investigation must stop at that point. If a seniormost officer in charge of the investigation says, "I shall not perform my statutory duties unless I have got proof," I think the man is talking utter nonsense and the man must be relieved of his investigations. Are you prepared to substitute another officer who has a proper understanding of his role and his duties under the Criminal Procedure Code ? Sir, I request that the Chairman of this August House should call for the relevant file. The hon. Minister in charge must produce the relevant file here. Junior and honest officers in the CBI are reported to have made a note that the time has now come when Mr. Quattrochi must immediately be interrogated and his movements restricted and his passport taken away. These pieces of advice by honest officers were countermanded by Mr. Sharma, and so long as you have officers of that kind in this country, there can be no honest investigation of this matter.

SHRI H. R. BHARDWAJ : Sir, he cannot refer to him by name because he is not a Member of this House. This is too much. Under any rules such names cannot come up here. ... (*Interruptions*) ....

SHRI RAM JETHMALANI : I am not afraid of anybody pointing a finger at me, even if it happens to be Mrs. Margaret Alva.

THE VICE-CHAIRMAN (SYED SIBTEY RAZI) : Mr. Jethmalani, I would request you to address the Chair, please.

SHRI RAM JETHMALANI : You are right, Sir, thank you. I address you, but through you, Sir, I want to inform all concerned that merely pointing a finger at me does't prevent me from speaking... (*Interruptions*) ... Sir, today the investigations have got to proceed in Switzerland. This is not the end of the game. There is a most important document which we have to take charge of. We don't want our officers to get lost in the legal battle about the validity of one document or the relevance of another document because thousands of documents are now going to be produced.

The first primary document is the document, the proforma of which has already appeared in the latest issue of the "FRONTLINE" magazine. I want those who are interested in the investigation, a correct and true investigation, an honest investigation, must read this issue of "FRONTLINE" and see what that gallant and honest officer who has been dissociated from this investigation has to say about the investigation. The most important document that has to be taken charge of is this, and I want an assurance that specific instructions would go to our investigation agencies to take charge of, what is called, "the declaration on opening an account." The form of this document is well known in Switzerland. This form is available. This document requires any person who opens an account to declare whether the holder of the account is himself the beneficial owner of the assets to be deposited in that account or that the beneficial owner of the assets to be deposited with the bank is somebody else whose full name has to be disclosed. Therefore, the account may stand in the name of "A". Sir, I am sorry that I may be carrying coal to New Castle, but this is the most important part of the investigation which has got to be done, that the account-opening form which will contain the declared name of the beneficiary of the account in respect of all these accounts, has to be taken charge of. The operator of the account may be somebody different from the person who is the beneficial owner.

SHRI P. UPENDRA : What hope have you got that the correct name will be given therein ?

SHRI RAM JETHMALANI : The Swiss banks are more business-like than you imagine. The Swiss banks insist that before an account is opened the name of the beneficial owner is given because they want to make sure that in the event of the death of the operator of the account, they can give the money to the beneficial owner. In the good old days up to the time of the last war, Swiss bankers had become rich by taking away all the properties of everybody because nobody knew who the beneficial owner was. Now it is not the law.

THE VICE-CHAIRMAN (SYED SIBTEY RAZI) : Mr. Jethmalani, I would like to remind you that you have already taken about 17 minutes. You please try to conclude.

SHRI RAM JETHMALANI : I know, you cannot raise it.

THE VICE-CHAIRMAN (SYED SIBTEY RAZI) : Yes. . . . (*Interruptions*).

SHRI MURLIDHAR CHANDRAKANT BHANDARE (Maharashtra) : Sir, I have a point of order.

THE VICE-CHAIRMAN (SYED SIBTEY RAZI) : Mr. Jethmalani, there is some point of order. I am permitting him.

Yes, Mr. Bhandare.

SHRI MURLIDHAR CHANDRAKANT BHANDARE : I do not claim to have the same confidence in the Swiss banking . . . .

SHRI KAMAL MORARKA (Rajasthan) : What is this ? What is the point of order ?

THE VICE-CHAIRMAN (SYED SIBTEY RAZI) : Mr. Bhandare, what is your point of order ?

SHRI V. GOPALSAMY (Tamil Nadu) : This is no point of order.

SHRI KAMAL MORARKA : This is no point of order. Mr. Vice-Chairman, why do you allow this ? What is the point of order ? What is he talking about ? . . . (*Interruptions*).

THE VICE-CHAIRMAN (SYED SIBTEY RAZI) : Please, Mr. Bhandare, if you have any point of order regarding the procedure and violation of the rules, you please state it directly, but you cannot make a statement like this.

SHRI MURLIDHAR CHANDRAKANT BHANDARE : My point of order is this. The hon. Member made a reference to the last World War.

SHRI KAMAL MORARKA : It has nothing to do with this.

THE VICE-CHAIRMAN (SYED SIBTEY RAZI) : Let him complete.

SHRI KAMAL MORARKA : His point of order is on the last World War.

THE VICE-CHAIRMAN (SYED SIBTEY RAZI) : Let him complete his sentence, pleas . . . . (*Interruptions*).

Why are you so impatient ?

Yes, Mr. Bhandare. . . . (*Interruptions*).

Let him complete his sentence. . . . (*Interruptions*).

No, please. . . . (*Interruptions*).

Yes, it may have some relation. Let him complete his sentence. . . . (*Interruptions*).

Yes, Mr. Bhandare, please complete your sentence.

SHRI MURLIDHAR CHANDRAKANT BHANDARE : During the last World War, many of the German Jews . . . .

SHRI KAMAL MORARKA : What is this ? Why are you allowing this ? . . . (*Interruptions*).

THE VICE-CHAIRMAN (SYED SIBTEY RAZI) : Until he finishes his sentence, I am not going to stop him. Let him complete it.

Mr. Bhandare, please complete your sentence. . . . (*Interruptions*).

You please co-operate. Let him complete his sentence. . . . (*Interruptions*).

SHRI V. GOPALSAMY : Ask him to co-operate. . . . (*Interruptions*).

SHRI MURLIDHAR CHANDRAKANT BHANDARE : Listen to me. . . . (*Interruptions*).

THE VICE-CHAIRMAN (SYED SIBTEY RAZI) : You don't talk to him. You please complete your sentence.

SHRI MURLIDHAR CHANDRAKANT BHANDARE : Large sums of the German Jews were locked up in these Swiss accounts as many of them had died in the gas chamber. The Red Cross and the other organisations offered to trace the legitimate heirs. The Swiss Bank said : No, we will not give over the money. That is how they became rich. Mr. Jethmalani knows that. Despite that . . .

THE VICE-CHAIRMAN (SYED SIBTEY RAZI) : There is no point of order. Yes, Mr. Jethmalani. Mr. Bhandare, please sit down. There is no point of order.

SHRI RAM JETHMALANI : Mr. Vice-Chairman, Sir, that is precisely what I was saying that that was the law until the last War. Since then things have changed a lot even in Switzerland. Switzerland no longer has those a moral banking laws. they have made a very great change in their own laws under international pressure. So, those forms are now available. We have even given you in the newspapers the proforma of the Swiss form. If it does not help, it does not help, but, please, the officers must be instructed to get these documents.

THE VICE-CHAIRMAN (SYED SIBTEY RAZI): You please try to conclude now. You had been allotted only 14 minutes.

SHRI RAM JETHMALANI: All right, Sir. Kindly debit this to the Opposition. I will borrow time.

That day the distinguished lady on the other side, who does not happen to be here now, made a charge that the investigation in this case has been delayed as a result of some circumstances for which we in the previous Government were responsible. I want to correct this impression. The Swiss were willing to yield information about their bank accounts right from 1987 onwards. We refused to take that information from them. George Disler of the Federal Police of Switzerland stated on 20th July, 1987.

> "We are waiting for the Indian Government to make a proper request. Till date we have not received any request from the Government of India concerning this case."

Then, Sir, when *The Hindu* discovered those documents—some of the documents were discovered in April and June, 1988—the documents were taken to the Swiss Federal Police. The Officer who saw the documents collected by *The Hindu* said:

> "We have never seen evidence of this kind. Yours is an open and shut case. A proper request from India is all that we need. Corruption was the best possible charge. Reasonable suspicion is adequate to seek assistance from Switzerland. There is no need for evidence. We will take the evidence if it exists."

Then he proceeded to explain:

> "You often hear that we are uncooperative and that we protect our banks. That is not true. Switzerland processes over 15,000 requests annually and the rate of success is 80 per cent."

Sir, a massive talent and legal talent has been collected by the Government in power. The whole object of mustering of that legal talent was to see that a proper request to the Swiss is never made. Even when a Memorandum of Understanding after the prolonged negotiations, which were wholly unnecessary, was arrived at with the Swiss, the Memorandum of Understanding signed between us and the Government of Switzerland said that in offences of the corruption and offences of embezzlement and other offences like cheating and murder, we shall provide assistance whenever asked for. After having entered into that Memorandum of Understanding, the request...

THE VICE-CHAIRMAN (SYED SIBTEY RAZI): Please conclude.

SHRI RAM JETHMALANI: Sir, I have said I am borrowing time. We have some time on the Opposition side. We will not take more than that.

THE VICE-CHAIRMAN (SYED SIBTEY RAZI): No, you cannot do like this. You had been allotted only 14 minutes. You have already taken round about 20 minutes.

SHRI RAM JETHMALANI: All right, Sir, I will take five minutes more.

THE VICE-CHAIRMAN (SYED SIBTEY RAZI): In this way there could not be an end to your speech. I am giving you two minutes more.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS WITH ADDITIONAL CHARGE OF THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI MARGARET ALVA): MOU was... (*Interruptions*)... not by him.

SHRI RAM JETHMALANI: On the 25th July, the then Minister in charge, Mr. Chidambaram made a statement on the floor of this House that the Swiss and the Swedes had refused our request for assistance. But what he did not tell us and that is my grievance was that the Swiss and the Swedes closed the investigation because the request persistently from this side was that we were investigating a case of tax evasion. Everybody knew that tax evasion is not an offence for which the Swiss or the Swedes are going to provide us assistance. On this ground two years were wasted and the first time when the first information report came to be lodged was sometime in January, 1990. Sir, within fifteen minutes the accounts were frozen and thereafter there has been a war waged by the suspects, the account holders and their nominees in India. I regret to say that, time and again, the judicial process in this country has been utilised for the purpose of suppressing this investigation. The Delhi High Court was per-

suaded twice to interfere with the investigator. Since you are committing me to conclude within five or four minutes, I don't want to read to you what, on both the occasions, the Supreme Court of India had said. The Supreme Court of India came down heavily on the High Court and its interference with this investigation. They said, "Our conscience is shocked that the Judges of the High Court should behave in this manner." I don't want to level charges as to who were responsible for * * * But it is a matter which is manifest. In law we call it a case of *res ipsa loquitur*. The whole thing speaks for itself as to who were the persons who were responsible for jettisoning the judicial process and misusing the judiciary to stall ... (*Interruptions*).

SHRI MADAN BHATIA (Nominated): I am respectfully submitting on the point of order. ... (*Interruptions*) ... He can't speak about the conduct of the Judges of the High Court.

SHRI RAM JETHMALANI: If my friend wants me to read what the Supreme Court has said, I will do so. But it does him no credit.

SHRI MADAN BHATIA: He is stooping to the level of charging * * * ... (*Interruptions*) ... He can't discuss about the conduct of any Judge of the High Court. He can't be allowed to say that. .. (*Interruptions*).

THE VICE-CHAIRMAN (SYED SIBTEY RAZI): Mr. Bhatia, yes, you are right. I got your point. Please sit down. ... (*Interruptions*) ... Honourable Members, the ... (*Interruptions*) ...

SHRI V. GOPALSAMY: He did not mention the name of any Judge of the High Court. ... (*Interruptions*) ... What is wroing in it?

THE VICE-CHAIRMAN (SYED SIBTEY RAZI): Mr. Bhatia, please sit down. I got your point.

SHRI RAM JETHMALANI: Out of five minutes, I have taken only one minute.

THE VICE-CHAIRMAN (SYED SIBTEY RAZI): Mr. Bhatia, I got your point. Please sit down. It had been the practice and convention of this House that any remark which relates to the conduct of a Judge can't be discussed. ... (*Interruptions*) ... Let me complete my ruling. So it had been the practice and convention of this House that any remark which relates to the conduct of a Judge should not be made by a Member in his speech. The record will be looked into in which context the hon. Member, Mr. Ram Jethmalani had mentioned the name of a Judge. If it is found that it is against the convention and practice of the House, it will be expunged. ... (*Interruptions*) ... Mr. Bhatia, I am not permitting you. I have given my ruling.

SHRI RAM JETHMALANI: The Supreme Court said at the outset, "We are constrained to observe that we are terribly shocked .... on seeing that the High Court had gone out of its authority and overstepped its province by making use of original records .... (*Time bell*) .... on the basis of fake records, proceeded to examine the entire procedure followed right from the proposal upto finalisation. ... (*Interruptions*).

THE VICE-CHAIRMAN (SYED SIBTEY RAZI): Now, please conclude, Mr. Jethmalani.

SHRI RAM JETHMALANI: And, all the findings recorded were upset, set aside and said the Supreme Court, "We are sorry that the High Court has pre-judged the issues and thereby laid down the foundation of its subsequent findings for quashing the entire proceedings." ... (*Interruptions*).

THE VICE-CHAIRMAN (SYED SIBTEY RAZI): Please conclude, Mr. Jethmalani. You have already taken much time.

SHRI RAM JETHMALANI: Sir, I wanted more time than you gave me. I had four minutes. I have now three minutes. I will finish within three minutes.

THE VICE-CHAIRMAN (SYED SIBTEY RAZI): I think you are using the Swiss watch. Please do not use the Swiss watch, use an Indian watch. Please conclude now.

SHRI RAM JETHMALANI: I will take only three minutes.

THE VICE-CHAIRMAN (SYED SIBTEY RAZI): I am going to take up the next business. Please conclude.

SHRI RAM JETHMALANI: Allow me to talk for three minutes. Three minutes are a very long time!

Sir, an allegation was made again by an hon.

*Expunged as ordered by the Chair.

Member who is not here. Mr. Ahluwalia is a very dear friend of mine, but sometimes, under the force of habit, he makes some allegations. He said that Mr. Jethmalani was investigating, but when the name of Hindujas came, *uske saans ghut gaye.* This is what I wish to refute. The Hindujas are my relatives. Evidence against the Hindujas was forthcoming, for the first time, in June 1988 when the Pitco documents were made available. I want to challenge any Member of this House who can produce a single statement of mine in which I have tried to defend the Hindujas. But, when the V. P. Singh Government came to power and my rate and value increased a little, I was approached. I refused the engagement. The engagement was taken up by whom? It was taken up by lawyers who are familiar to the other side. Mr. G. Ramaswamy who was the Ex-Attorney-General was the retained counsel of the Hindujas and the Hindujas operated through a variety of other counsel. I did not want to name them. But one thing I must say. Whatever I am in my life, I owe nothing to the Hindujas. I owe everything to the affection of my friends and the confidence of my clients. I have risen by dint of hard labour of 22 hours a day. Nobody can say that I owe anything to anybody in this life except my good friends. Sir, I do not count the Hindujas amongst them. When the Hinduja documents were discovered, Mr. Jagdish Tytler found out Chitra Subramanian in Switzerland and went and told her that the Pitco documents were a forgery. Half the Cabinet is indebted to the Hindujas. I do not wish to give the details today. But if somebody were to challenge me tomorrow outside this House, I will give them the facts and figures. Please do not make allegations. But I must say again that the Hindujas' lawyers had consistently met me and I had advised them to speak the truth. I had advised them that their duty was to speak the truth. ... *(Interruptions)*.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI RAJESH PILOT): Mr. Vice-Chairman, Sir, now give me a chance to speak. ... *(Interruptions)*. We challenge it even now; why outside the House? We challenge here.

SHRI RAM JETHMALANI: Do you want to know?

THE VICE-CHAIRMAN (SYED SIBTEY RAZI): Mr. Jethmalani, please conclude. ... *(Interruptions)*.

SHRI MADAN BHATIA: Sir, I am on a point of order.

THE VICE-CHAIRMAN (SYED SIBTEY RAZI): No point of order. Please conclude, Mr. Jethmalani.

SHRI RAM JETHMALANI: I am now speaking my last sentence. Treat my sentence as my dying declaration, if you will. But, the last sentence is that I have repeatedly advised the Hindujas, "Please speak the truth because you are NRIs; you are not subject to the laws of this country."

But please speak the truth. You owe a greater gratitude to the people of this country and I hope, the Hindujas will still speak the truth and bring out the names of the culprits. I know who the culprits are. .....*(Interruptions)*.....

DR. JINENDRA KUMAR JAIN: Why don't you name the culprit? You should name the culprit. *(Interruptions)*

THE VICE-CHAIRMAN (SYED SIBTEY RAZI): Now, Shri Rajesh Pilot will make a statement. *(Interruptions)*

SHRI RAJNI RANJAN SAHU (BIHAR): No. Sir. Shri Vishvjit P. Singh should be allowed to speak now. Mr. Jethmalani has levelled so many charges against the Government and Mr. Singh should be allowed to speak. Sir, you must allow him to speak. *(Interruptions)*

THE VICE-CHAIRMAN (SYED SIBTEY RAZI): I have got your point. The Minister is here to make a statement about which you are asking questions. But it has been the practice of this House that one Member speaks from this side of the House and another Member speaks from the other side of the House. *(Interruptions)* Dr. Jain, you cannot disturb like this. Let me complete first. *(Interruptions)* Let me make my point.

DR. JINENDRA KUMAR JAIN: I am not disturbing.

THE VICE-CHAIRMAN (SYED SIBTEY RAZI): Let me complete my point. I inform the House that the Minister is here with a statement about which the Members expressed their concern. But it has been the practice of this House that on every important and sensitive issue, one speaker speaks from this side of the House and the other speaker speaks from the other side of the House. I think it would be in the fitness of

things if I allow one Member from this side of the House and now I give the floor to Shri Vishvjit P. Singh and after his speech, there will be a statement by the Minister *(Interruptions)* Mr. Singh, please be very brief.

SHRI VISHVJIT P. SINGH : Sir, I shall be very brief. *(Interruptions)*

SHRI RAM JETHMALANI : Sir, I am going since I have to take a flight.

THE VICE-CHAIRMAN (SYED SIBTEY RAZI) : You always do like this.

MISS SAROJ KHAPARDE (MAHARASHTRA) : Mr. Jethmalani, this is not fair. When you were speaking, we listened to you. But when a Member from our side is speaking, you are running away. Please sit down and listen to him carefully. You can't run away like this. *(Interruptions)*

SHRI RAM JETHMALANI : I will miss my flight but I have to obey your orders. *(Interruptions)*

THE VICE-CHAIRMAN (SYED SIBTEY RAZI) : Please sit down. You can't speak without the permission of the Chair. *(Interruptions)* We are already short of time. Dr. Jain, I am not permitting you. I am requesting you to sit down. *(Interruptions)* The Chair is requesting you. Please sit down.

DR. JINENDRA KUMAR JAIN : I am conceding you request.

THE VICE-CHAIRMAN (SYED SIBTEY RAZI) : No, you are not conceding my request. *(Interruptions)* Miss Saroj Khaparde, please sit down. *(Interruptions)*

SHRI VISHVJIT P. SINGH : Sir, I think the first thing which I need to do is to put things retrospectively. *(Interruptions)*

SHRIMATI RENUKA CHOWDHURY, I would be grateful if you do not interrupt me.

SHRIMATI RENUKA CHOWDHURY (ANDHRA PRADESH) : You don't have to react to me. You have to react to the Chair. *(Interruptions)*

SHRI S.K.T. RAMACHANDRAN (TAMIL NADU) : Please stand up and say what you have to say. *(Interruptions)*

THE VICE-CHAIRMAN (SYED SIBTEY RAZI) : You are all good boys.

SHRI VISHVJIT P. SINGH : The words can never hurt me.

SHRI RAM JETHMALANI : I won't interrupt you.

SHRI VISHVJIT P. SINGH : Sir, the first thing I need to do is this I would like to refer to the statement made by the then Prime Minister, Shri Vishwanath Pratap Singh, in Rajya Sabha on the 29th of December 1989 on the Bofors issue. And I quote from the last para of the statement : "At the Government level the review of the whole case is under way and very soon the matter is going to be taken up with the foreign Governments, through diplomatic channels and with the Swiss Authorities in terms of the Memorandum of Understanding between India and Switzerland." This is the statement made by the then Prime Minister, Shri Vishwanath Pratap Singh in the Rajya Sabha. What he did not mention and what nobody from the Opposition mentioned and I expected my good friend, elder, better, legal luminary, Shri Ram Jethmalani to at least say this much was the date of the signing of the Memorandum of Understanding ...

SHRI RAM JETHMALANI : I said so.

SHRI VISHVJIT P. SINGH : No, you didn't. You didn't. You mentioned about it but you did not mention where it was signed, at whose initiative it was signed.

SHRI KAMAL MORARKA : Rajiv Gandhi's.

SHRI VISHVJIT P SINGH : I want to make it clear ...

SHRI KAMAL MORARKA : Rajiv Gandhi.

SHRI V. NARAYANASAMY (Pondichery) : Vishwanath Pratap Singh

SHRI VISHVJIT P SINGH : I want to make it very clear that it was a Congress-Government which signed that Memorandum of Understanding.

SHRI KAMAL MORARKA : Rajiv Gandhi-Government.

SHRI S. K. T. RAMACHANDRAN : A Congress-Government is enough.

SHRI KAMAL MORARKA : It is not enough. Because it is the policy of the Government, it is also a Congress-Government ... *(Interruptions)* ...

SHRI S. K. T. RAMACHANDRAN : Why are you trying to put words into his month? ... *(Interruptions)* ...

THE VICE-CHAIRMAN (SYED SIBTEY RAZI) : Let him speak.

SHRI VISHVJIT P. SINGH : I am quite capable of dealing with them myself ... *(Interruptions)* ... I am quite capable and able to deal with the matters myself. ... *(Interruptions)* ... I take it, Mr. Morarka, you are not willing to hear or are not interested in hearing what I have to say.

SHRI KAMAL MORARKA : I am very carefully hearing.

SHRI VISHVJIT P. SINGH : Then kindly hear me.

SHRI KAMAL MORARKA : I will hear you the same way you heard Mr. Jethmalani. ... *(Interruptions)* ...

THE VICE-CHAIRMAN (SYED SIBTEY RAZI) : Please let the hon. Member make his point.

SHRI VISHVJIT P. SINGH : Madam, ...

SHRI JAGDISH PRASAD MATHUR (Uttar Pradesh) : Sir, he addressed you 'Madam'.

SHRI VISHVJIT P. SINGH : I am sorry, I am so used to seeing Madam Hepttulla in the Chair and her personality is so great that every time I look at the Chair, I beg to say 'Madam'.

Mr. Ram Jethmalani spoke about his relationship with the Hindujas and he spoke of the fact that he never had anything to do with this particular aspect of the Hindujas' case and that he never influenced the Government. I would like to point out to Mr. Ram Jethmalani—who talks so much of Mr. Quattrocchi's name having come out and other people's names having come out, and something should be done, there should be interrogation, there should be this and there should be that—that Swiss Cantonal Court Judgment came way back in July, 1990; not just Pitco documents in the *Hindu* newspaper or in some other *Digens Nyhater*. I am talking about the Judgment of the Cantonal Court of July, 1990 which specially named Shri G. P. Hinduja as an appellant in that case. It is a Bofors' case; not this particular Canton of Switzerland. Switzerland is divided into different cantons and each canton has its own court. At the moment the cases are going on in one particular canton. This case was going on in another canton; it related to the same documents and the same accounts, and the name of Shri G. P. Hinduja came out as far back as July, 1990 and no action was taken. I will come later to why no action was taken ...

SHRI KAMAL MORARKA : Because of St. Kitts.

SHRI VISHVJIT P. SINGH : Thank you, thank you. I must say that it is a very enlightened remark, Mr. Vice-Chairman, from one of the most intelligent Members of the House.

SHRI RAM JETHMALANI : I want to know one thing. In July it happened. In August their so-called benamidar moved the Delhi High Court. Litigation started in August. He knows about it. ... *(Interruptions)* ...

THE VICE-CHAIRMAN (SYED SIBTEY RAZI) : No, no, no. You promised not to interrupt. In the very beginning, Mr. Jethmalani, you said, "I am not going to interrupt."

So, you please try to stand by your own statement ... *(Interruptions)* ...

SHRI VISHVJIT P. SINGH : Sir, why are you stopping him? You must allow him ... *(Interruptions)* ... वह आदत से मजबूर है, करने दो जो कर रहे हैं .

SHRIMATI RENUKA CHOWDHURY : You come to your point ... *(Interruptions)* ... You get to your point.

SHRI KAMAL MORARKA : He has no point. So, how can he get to it? ... *(Interruptions)* ...

SHRI VISHVJIT P. SINGH : Thank you, thank you ... *(Interruptions)* ...

SHRI KAMAL MORARKA : Sir, the moment Mr. Rajiv Gandhi is not there, the whole thing is over for them! ... *(Interruptions)* ...

SHRI H. R. BHARDWAJ : Sir, I do not want to restrain any honourable Member. But we must also concede that whether it is Hinduja or anybody else, we should not mention those who are not present here. We are concerned with a fair and free investigation. Now, it seems a campaign has started as if we all are working for it only ... *(Interruptions)* ... For their kind con-

sideration, Sir he is not present here in the House, whether it is Hinduja or any other person. So, how can we go on arguing about him? Let us stick to one thing and that is whether a free and fair investigation is going on and whether the Government has not done that. We are now missing the thing and, therefore, I would request the honourable Members: Let us uphold the convention of this House and let us not mention the names of outsiders.

SHRI KAMAL MORARKA: Correct.

THE VICE-CHAIRMAN (SYED SIBTEY RAZI): I hope that the Members will keep in mind that they have to maintain the high standards of this House.

SHRI V. GOPALSAMY: There is no use in the debate without mentioning the names of Mr. Hinduja and Mr. Win Chadha ... *(Interruptions)* ... There is no use at all without their names being mentioned ... *(Interruptions)* ...

SHRI MADAN BHATIA: Sir, we were not interested to have a personal explanation from Mr. Ram Jethmalani ... *(Interruptions)* ...

THE VICE-CHAIRMAN (SYED SIBTEY RAZI): Mr. Madan Bhatia, that part is over, Mr. Jethmalani is not speaking now. That part is over now ... *(Interruptions)* ... That part is over. Mr. Jethmalani has concluded his statement now and Mr. Vishvjit Singh is speaking. Whatever he wants to say, let him say. You please sit down ... *(Interruptions)* ...

SHRI MADAN BHATIA: We were not interested in that ... *(Interruptions)* ...

THE VICE-CHAIRMAN (SYED SIBTEY RAZI): You were not interested. But you are unnecessarily consuming the time of your party ... *(Interruptions)* ...

SHRI V. NARAYANASAMY: It is actually a confession by Mr. Jethmalani ... *(Interruptions)* ...

SHRI VISHVJIT P. SINGH: Sir, I humbly beg the pardon of the Members of this House if in any manner I have lowered the dignity or the standards of this House by mentioning certain names which, in any case, were not mentioned by me for the first time, but which were mentioned by others. I am merely reacting and I am going to come to another point which is the end of the whole exercise, which is quite different and which explains why all these things happened ... *(Interruptions)* ... I would like to point out to Mr. Kamal Morarka, who is getting very much excited, that for the first time the interrogations took place of the Hindujas, that the Hindujas were interrogated, in January 1991, at the time of his Government, and they were interrogated in London and they were interrogated by no less a person than Mr. Madhavan of the CBI, Mr. Madhavan who seems to be the favourite of the Opposition today. What did Mr. Madhavan recommend after interrogating the Hindujas? He recommended the lifting of the look-out notice on them ... *(Interruptions)* ... He said that there was no need for it and only if further proof was available from the Swiss authorities it would be needed ... *(Interruptions)* ... Please allow me to have my say ... *(Interruptions)* ...

SHRI SURINDER KUMAR SINGLA (PUNJAB): Mr. Madhavan, an honest officer for them! ... *(Interruptions)* ...

SHRI VISHVJIT P. SINGH: Sir, I would be grateful if I am allowed to complete at least a few sentences without any interruption I have already faced a lot of interruptions ... *(Interruptions)* ...

SHRI KAMAL MORARKA: Sir, on a point of order. Mr. Singla's remarks should be taken off the record ... *(Interruptions)* ... Sir, Mr. Bhardwaj was totally right and I am with him. Mr. Ahluwalia referred to report about Mr. Jethmalani in relation to the Hindujas in his reply and he has replied to that point and that matter should come to an end now. Now, Mr. Singla says, "Mr. Madhavan, an honest officer for them." ... *(Interruptions)* ... He is honest for all ... *(Interruptions)* ...

THE VICE-CHAIRMAN (SYED SIBTEY RAZI): Please sit down ... *(Interruptions)* ...

SHRI KAMAL MORARKA: But I am on a point of order ... *(Interruptions)* ...

THE VICE-CHAIRMAN (SYED SIBTEY RAZI): I got your point. Please sit down ... *(Interruptions)* ...

SHRI KAMAL MORARKA: My only point is that Mr. Singla should know that the public at large considers Mr. Madhavan to be more honest than this Government! ... *(Interruptions)* ...

THE VICE-CHAIRMAN (SYED SIBTEY RAZI): Mr. Morarka, please sit down. Yes, Mr. Singh, please continue your speech ... *(Interruptions)* ...

SHRI VISHVJIT P. SINGH: If the House allows me, I will continue.

THE VICE-CHAIRMAN (SYED SIBTEY RAZI): You are consuming your time.

SHRI VISHVJIT P. SINGH: I am not consuming my time. I am consuming the time of the House.

THE VICE-CHAIRMAN (SYED SIBTEY RAZI): I have to go according to the watch. Please try to conclude.

SHRI VISHVJIT P. SINGH: I am concluding. If you allow me just two or three sentences, will be done.

THE VICE-CHAIRMAN (SYED SIBTEY RAZI): Yes, please.

SHRI VISHVJIT P. SINGH: But I must be allowed without interruptions. *(Interruptions)* Mr. Jethmalani speaks of a Swiss officer. He spoke of a Swiss police officer. I am afraid I could not catch the name.

SHRI RAM JETHMALANI: Perraudin.

SHRI VISHVJIT P. SINGH: Whatever it is. I am afraid, I am not familiar with these foreign names. I find it difficult to pronounce them. He spoke of that officer who was shown the 'Hindu' documents. In April/May of 1988, when that police officer was shown the 'Hindu' documents, he said, "these are enough. No proof is required. Corruption should be the only charge. We shall immediately do everything. We shall give you all the proof. We shall give you all the documents". And that opportunity was given to the Vishwanath Pratap Singh Government by the Memorandum of Understanding which had been signed by the Rajiv Gandhi Government before it went out of power. And that opportunity was abused. Where were those documents? Where is the proof? Where is that police officer? Has he retired from the Swiss police?

SHRI RAM JETHMALANI: He did not know that they will be fighting in the Swiss Federal Court. *(Interruptions)*

SHRI VISHVJIT P. SINGH: I see. *(Interruptions)* Now, it is the other way round. *(Interruptions)* Now it becomes conditional. When he was speaking it was not conditional. When I am speaking, the whole thing becomes conditional.

SHRI V. NARAYANASAMY: It is conditional for Jethmalaniji.

SHRI VISHVJIT P. SINGH: The import of what Mr. Jethmalani said was: Why are you not allowing the junior officers of the CBI to interrogate Mr. X or Mr. Y or what have you? Why are you not taking action?

SHRI RAM JETHMALANI: I have never said that.

SHRI VISHVJIT P. SINGH: You said that the Additional Director of the CBI has given an interview to the 'Economic Times', and he has spoken about a particular gentleman. You asked for a Government assurance on various points. The main point on which Mr. Jethmalani asked for an assurance was that no Minister will interfere in the investigation. The Government has time and again come to this House and to the other House and has gone to the press outside and made it very clear that it has no intention of interfering in this investigation. We are more interested than you are in getting to the truth. We want to know the truth.

SHRI RAM JETHMALANI: Congratulations.

SHRI VISHVJIT P. SINGH: We want to know the truth.

SHRI V. GOPALSAMY: Why did the Additional Director make a statement?

AN HON. MEMBER: He is independent *(Interruptions)*

श्री राम जेठमलानी : इस बात के बाद तो झगड़ा है ही नहीं । यह हो जाए तो काफी है । कोई झगड़ा है भी नहीं ।

SHRI VISHVJIT P. SINGH: Mr. Vice-Chairman, Sir, the Swiss court, even now, while releasing these documents, has laid down certain conditions because these documents do not all refer only to the Bofors accounts and neither has the Swiss court said that they relate to the Bofors accounts. These appeals have been filed by those individuals not because they are involved in the Bofors. That is another misnomer.

SHRI V. GOPALSAMY: Then, for what reasons have they filed?

SHRI VISHVJIT P. SINGH: Hear me. The fact is, Mr. Vice-Chairman, Sir, that the enquiry which was asked for by the Vishwanath Pratap Singh Government was a roving enquiry which dealt with a large number of accounts, which had nothing to do with Bofors. Just bear me out. The delay in this investigation has been because of this reason ... *(Interruptions)* ...

THE VICE-CHAIRMAN (SYED SIBTEY RAZI) : Mr. Singh, you address the Chair and don't bother about the interruptions.

SHRI V. NARAYANASAMY : The chain of thought will go.

SHRI VISHVJIT P. SINGH : It is because of this roving inquiry that there has been a delay. It is because of that roving inquiry that so many people have been sought to be dragged into this whole affair. If we had gone into the root of the matter, we would have got to the truth of the matter a long time ago. Rajivji was taking the logical steps to get to the root of the matter. He first signed the Memorandum of Understanding. He was then going in for the legal procedures. But you by passed all those procedures. I am ashamed to say that you by passed all those procedures.

SHRI KAMAL MORARKA: Don't be ashamed .....*(Interruptions)*..... Why is he ashamed ?

SHRI V. NARAYANASAMY: Mr. V. P. Singh should be ashamed.

SHRI VISHVJIT P. SINGH : We don't want to release these documents. Even for releasing these documents, Swiss Court has laid down certain conditions and I would like the hon. Minister to give us those conditions, to relate them to the House. Let us know what those conditions are. It is because of those conditions that no action is being taken until the actual proof is available. That is a fact. No action is being taken until actual proof is available because the court has already been moved. We do not want that investigation to be vitiated by any action that we take here. Today if we take any precipitate action against any one individual and the entire process gets vitiated, that is not what we want. You are not interested in getting to the truth because all that you are interested in is a campaign of calumny and innuendo. We are not interested in that. We are interested in getting to the truth. It has been said by various people here about the kind of campaign that was unleashed. We are all aware of it. I am sure you are also aware of it. You are party to it .....*(Interruptions)*.....

SHRI V. NARAYANASAMY: That is what Mr. V. P. Singh did.

SHRI VISHVJIT P. SINGH : Therefore, Mr. Vice-Chairman, I urge upon the Government, now that we are close to the truth, let nothing which the Opposition says hamper our investigation, let nothing that the Opposition does hamper our investigation and let nothing that the Opposition implies hamper our investigation. Let us get to the truth of this matter and expose the dastardly game of the people who have chosen to unleash this campaign of calumny and innuendo. Thank you.

THE VICE-CHAIRMAN (SYED SIBTEY RAZI) : Now, Mr. Rajesh Pilot regarding the fatal bomb attack on Shri P. Siva Reddy, Telugu Desam M.L.A.

STATEMENT BY MINISTERS

Fatal bomb attack on Shri P. Siva Reddy, Telgu Desam M.L.A.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI RAJESH PILOT) : Mr. Vice-Chairman, Sir, I had made a statement day before yesterday on the unfortunate death of late Shri P. Siva Reddy, and some of the Members had some more queries for which I had promised that I will come back to the House and answer all those queries.

Sir, I had made a statement in this House on 10 August 1993 in connection with the fatal bomb attack on late Shri P. Siva Reddy, M.L.A. Some hon'ble Members had sought some clarifications. I had assured the House that I would provide answers after obtaining the necessary information from the State Government.

The following points were raised by the hon'ble Members :

(i) In spite of the fact that there was a direction the State High Court for providing additional security to Shri Reddy, the State Government failed to make adequate arrangements for his security.

(ii) The day before the fatal attack on Shri Reddy, the deceased himself pleased in the State Assembly for additional security and the Speaker had directed the State Government to provide additional security to him.

(iii) Wife of the deceased Shri Reddy had lodged an FIR in which she had mentioned the name of the State Home Minister as the prime accused.

(iv) One Hon'ble Member also wanted to know the names of the two security personnel attached with Shri Reddy.